

**AMENDMENT TO
CHAPTER 110, LAND DEVELOPMENT
Article VII, Use Regulations**

Adding new Section 713, Foundation Surveys

**Adopted by the Elkton Town Council
August 16, 2010**

§ 110-713. Foundation surveys.

- A. A foundation survey shall be obtained for the following structures:
- (1) New structures, renovations, or additions that require a foundation or footer inspection;
 - (2) Manufactured homes, decks, or other additions over three (3) feet by three (3) feet within a manufactured home park or manufactured home subdivision established after 1995.
- B. A preliminary survey shall be prepared by a certified land surveyor licensed to practice in the commonwealth that documents the location of the pinned corners indicating where the poured footers or the ICF/Superior Walls/poured walls/monolithic slab will be placed. After approval of the preliminary plat and after the footers or walls have been installed, inspected and approved by the building inspector, either a second survey or a letter from the original surveyor shall be submitted stating that the preliminary survey is still valid. Further construction, shall not commence until the second survey or certification letter has been approved by the zoning administrator.
- C. The foundation survey shall document the location of the foundation, slab, or piers relative to property lines to confirm that the construction complies with setback regulations.
- D. Exceptions. The following are exceptions from those requirements:
- (1) The placement of manufactured homes on a manufactured home park lot that existed prior to 1995 does not require foundation, slab, or pier survey. County staff shall determine if sufficient space for the requested unit complies with the current building code.
 - (2) A new structure or the addition to an existing structure, on a tract of land that has a valid survey, does not require a foundation, slab, or pier survey if a certified land surveyor licensed to practice in the commonwealth confirms by letter that the

construction meets current required setbacks. This determination must be made by the surveyor after the approval of the footer inspection.

- (3) Survey may be waived on parcels of three (3) acres or larger if the owner of the land states in writing that the structure in question is more than forty (40) feet from all property lines.
- (4) Survey may be waived for structures of record, at the time of the adoption of this regulation, with non-conforming setbacks as long as the remodeling of an existing porch or deck does not further decrease setbacks. This situation applies to the creation of non-conforming structures resulting from the widening or relocation of roads or the construction.
- (5) If application is made for an addition to a structure, and the applicant presents a previous survey of the property that shows the existing structure meets setbacks, and it can be determined that the addition shall meet all setbacks, that survey may be used and a new foundation survey may not be required.

E. Exemptions. The following are exempted from these requirements:

- (1) Storage building that is less than two hundred fifty-six (256) square feet and not on a permanent foundation.
- (2) Deck, stoop, or porch, without a roof and not located in a manufactured home park or manufactured home subdivision established after 1995 or a structure designed to aid disabled persons.